

# SIKKIM

## GOVERNMENT



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LAND REVENUE & DISASTER MANAGEMENT DEPARTMENT  
MANAN BHAWAN  
GANGTOK 737101

No.180/LR&DMD/GOS/ACQ /3

Dated 2<sup>nd</sup> March 2015

### NOTIFICATION

The draft of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Sikkim) Rules, 2015, which the Government of Sikkim proposes to make in exercise of the powers conferred by section 109 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) is hereby published as required by section 112 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration **after forty-five days** from the date of its publication in the Official Gazette.

Any objection or suggestion which may be received by the State Government from any person with respect to the said draft before the expiry of the period specified above will be considered by the State Government. Objections and suggestions may be addressed to the Secretary Land Revenue and Disaster Management Department, Government of Sikkim.

### **DRAFT RULES** **CHAPTER I** **PRELIMINARY**

- Short title, extent and commencement.**
1. (1) These rules may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Sikkim) Rules, 2015.
  - (2) They shall extend to the whole of the State of Sikkim.
  - (3) They shall come into force on the date of their publication in the official gazette of the State Government.

**Definitions. –**

2. (1) In these rules, unless the context otherwise requires,-
- (a) "Act" means the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013);
  - (b) "State Government" and "Government" means the Government of Sikkim;
  - (c) "Agency" means an agency appointed by the State Government to carry out the Social Impact Assessment Process and prepare the Social Impact Management Plan;
  - (d) "Appropriate Government" means the State Government in relation to acquisition of land situated within the territory of the State of Sikkim ;
  - (e) "Authority" means the Land Acquisition, Rehabilitation and Resettlement Authority established by the State Government under sub-section (1) of section 51 of the Act;
  - (f) "Collector" means the District Collector and includes the Gram Vikas Adhikari or any other officer specially designated by the appropriate Government to perform the function of a collector under this Act;
  - (g) "Form" means the Forms appended to these rules;
  - (h) "Gram Sabha" means a body consisting of persons registered in the electoral rolls relating to village comprised within the areas of the panchayat at the village level;
  - (i) "local bodies" means and includes rural local bodies and urban local authorities constituted or established under the respective Acts;
  - (j) "Municipal Council" means a Municipal Council constituted or deemed to have been constituted for smaller urban areas under the provisions of the Sikkim Municipalities Act, 2007 ;
  - (k) "Municipal Corporation" means a Municipal Corporation constituted or deemed to have been constituted under the provisions of the Sikkim Municipalities Act, 2007;
  - (l) "Panchayat" means an institution of self government constituted under article 243B, for the rural areas
  - (m) "Gram Panchayat" means a Gram Panchayat constituted under Section 12 of the Sikkim Panchayat Act, 1993;
  - (n) "Scheme" means the Rehabilitation and Resettlement Scheme prepared by an Administrator according to sub-section (2) of section 16 of the Act;

- (o) "Section" means a section of the Act;
  - (p) "Social Impact Assessment" means an assessment being made under sub-section (1) of section 4 of the Act;
  - (q) "Social Impact Management Plan" means the Plan prepared as part of Social Impact Assessment Study under sub-section (6) of section 4 of the Act;
  - (r) "Land Acquisition Officer" means such officer designated/prescribed by the appropriate Government for the said acquisition.
- (2) All words and expressions used but not defined in these rules shall have the meanings assigned to them in the Act;

## CHAPTER –II SOCIAL IMPACT ASSESSMENT (SIA)

### Social Impact Assessment Study

3. (1) The Appropriate Government shall, issue a notification in the Official Gazette for carrying out the Social Impact Assessment in accordance with Part B of **Form –I** of these rules regarding commencement of the Social Impact Assessment Study and the same shall be made available in the local language to the Panchayat, or Municipal Council or the Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub-Divisional Magistrate and the Gram Vikas Adhikari(GVA). The notification shall also be published in daily newspapers circulating in the affected area, and also by way of a public notice to be published by affixing it at some conspicuous places in the affected areas and shall also be uploaded on the website of the Government of Sikkim. The State Government shall also notify the name of the Agency designated to carry out such Social Impact Assessment Study:
- Provided that, such notification shall be issued within a period of thirty days after the deposit of the processing fee for carrying the Social Impact Assessment Study by the Requiring Body, as determined by the Appropriate Government:

Provided further that, no such notification of the commencement of the Social Impact Assessment Study shall be issued if the Requiring Body has not deposited the cost towards Social Impact Assessment Study, the administrative cost study, the administrative cost and the cost towards allowances of the Rehabilitation and Resettlement Committee at project level at the time of submitting the proposal in the scheduled bank account of the Appropriate Government for the purpose;

- (2) The Social Impact Assessment Study shall be conducted in consultation with the concerned Panchayat, Municipal Council or Municipal Corporation, at village level and urban area in the affected

areas, for the purpose of Section 4 of the Act, followed by a public hearing at the affected areas by giving adequate publicity about the date, time and venue for the public hearing to ascertain the views of the affected families which shall be recorded in writing.

- (3) The Social Impact Assessment Report shall be submitted in **Form-II** to the Appropriate Government within a period of six months from the date of commencement of the Social Impact Assessment Study along with the views of the affected families recorded in writing.
- (4) The Social Impact Assessment Study Report shall be prepared and divided into three parts, namely,-
  - (i) the Project Feasibility Report;
  - (ii) the Project Impact Report; and
  - (iii) the Social Impact Management Plan for the Project.

The Agency shall also provide summaries of the Project Feasibility Report, the Project Impact Report and the Social Impact Management Plan.

- (5) The Social Impact Management Plan shall be submitted in **Form-III** alongwith the list of ameliorative measures required to be undertaken for addressing the impact of the Project as mentioned in sub-section (6) of Section 4 of the Act.
- (6) The Social Impact Assessment Study Report and the Social Impact Management Plan shall be made available in the local language to the concerned Panchayat, in the offices of the Municipal Corporation, Municipal Council at village level or ward level in the affected area and in the offices of the District Collector, the Sub-Divisional Magistrate and the Gram Vikas Adhikari. It shall also be published in daily newspapers circulating in the affected area, and also by way of a public notice to be notified by way of affixing it at some conspicuous places in the affected areas and shall also be uploaded on the website of the Government of Sikkim.

#### **4. Project –specific Terms of Reference and Processing Fee for the Social Impact Assessment:-**

- (1) Where the Appropriate Government intends to acquire land, the proposal for such land acquisition shall be sent along with all the relevant documents to the Social Impact Assessment Unit, which shall:-
  - (a) prepare a detailed project- specific Terms of Reference for each proposal of land acquisition, listing all the activities that must be carried out indicating the appropriate team size (and number of field teams) and profile of the team members, and stipulate the schedule and deadlines for key deliverables for the Social Impact Assessment as detailed in **Part-A of Form-I** to these rules;
  - (b) determine an estimated Social Impact Assessment fee based on the Terms of Reference with clear break-up of costs for each item or activity. The fee amount shall be based on the parameters defined by the Appropriate Government including area, type of project and number of affected families.

- (2) Ten percent of Social Impact Assessment fee shall be allocated to Social Impact Assessment unit as administrative expenses for preparing the Terms of Reference and estimated Social Impact Assessment fee report and to submit the same to the Appropriate Government.
- (3) The Requiring Body shall deposit the Social Impact Assessment fee in a scheduled Bank account of the Appropriate Government for the purpose.

**5. Institutional support and facilitation for Social Impact Assessment:-**

- (1) The State Government shall identify or establish an independent organisation hereinafter referred to as the State Social Impact Assessment Unit, which shall be responsible for ensuring that Social Impact Assessments are commissioned and conducted by such person or bodies other than the Requiring Body as per the provisions of the Act for all cases of land acquisition under the Act.
- (2) The State Social Impact Assessment Unit shall undertake the following tasks namely:—
  - (a) build and continuously expand a State Database of Qualified Social Impact Assessment Resource Partners and Practitioners, which will serve as a network of individuals and institutions with the required skills and capacities to conduct Social Impact Assessments for land acquisition and Rehabilitation and Resettlement;
  - (b) respond immediately to the State Government's request for an Social Impact Assessment to be conducted by preparing a project-specific Terms of Reference (hereinafter referred to as ToR);
  - (c) conduct training and capacity building programmes for the Social Impact Assessment team and community surveyors and make available manuals, tools, comparative case study reports and other materials required for the analysis;
  - (d) provide ongoing support and corrective action, as required during the Social Impact Assessment process;
  - (e) maintain, catalogue of all Social Impact Assessments and associated primary material; and
  - (f) continuously review, evaluate and strengthen the quality of Social Impact Assessments and the capacities available to conduct them across the State.

**6. Project-specific Terms of Reference (ToR) and Processing Fee for the Social Impact Assessment.—**

- (1) Where the Appropriate Government intends to acquire land, the proposal for such land acquisition shall be sent along with all the relevant documents to the State Social Impact Assessment Unit, which shall —
  - (a) prepare a detailed project-specific ToR for each proposal of land acquisition, listing all the activities that must be carried out indicating the appropriate team size (and number of field teams) and profile of the team members, and stipulate the schedule and deadlines for key deliverables for the Social Impact Assessment as detailed in **Part-A of FORM-I** to these rules;

- (b) determine an estimated Social Impact Assessment fee based on the ToR with clear break-up costs for each item or activity. The fee amount shall be based on the parameters defined by the Appropriate Government including area, type of projects number of affected families.
- (2) Ten per cent of the Social Impact Assessment fee shall be allocated to Social Impact Assessment Unit as administrative expenses for preparing the Terms of Reference (ToR) and estimated Social Impact Assessment fee report and to submit the same to the Appropriate Government.
- (3) The Requiring Body shall deposit the Social Impact Assessment fee in the Scheduled Bank account of the Appropriate Government for the purpose.

## **7. Selection of the Social Impact Assessment team —**

- (1) The State Social Impact Assessment Unit shall be responsible for selecting the Social Impact Assessment team for each project from the individuals and institutions registered or empanelled in the State Database of Qualified Social Impact Assessment Resource Partners and Practitioners.
- (2) The Requiring Body shall not be involved in any way in the appointment of the Social Impact Assessment team being appointed to carry out the Social Impact Assessment.
- (3) The size and selection criteria for the Social Impact Assessment team shall be as per the project-specific ToR developed by the State Social Impact Assessment Unit.
- (4) The Social Impact Assessment team may be constituted by appointing individuals or an organisation with experience in conducting Social Impact Assessments or related field-based assessments and the team may include—
  - (a) a combination of independent practitioners, qualified social activists, academics, technical experts, who are not directly connected with the requiring body; and
  - (b) at least one woman member;
- (5) A team leader shall be appointed from amongst the Social Impact Assessment team to liaison with the State Social Impact Assessment Unit throughout the assessment period.
- (6) While selecting the Social Impact Assessment team, it is to be ensured that there is no conflict of interest involving the team members appointed to assess the concerned project.
- (7) If at any stage, it is found that any team member or any family member of the team member directly or indirectly receives any benefit from the Requiring Body or any other stakeholder in the project, the said member shall be disqualified.

## **8. Process of conducting the Social Impact Assessment:-**

- (1) The Social Impact Assessment team shall collect and analyse a range of quantitative and qualitative data, undertake detailed site visits, use participatory methods such as focused group

discussions, participatory rural appraisal techniques and informant interviews in preparing the Social Impact Assessment report.

- (2) All relevant project reports and feasibility studies shall be made available to the Social Impact Assessment team throughout the Social Impact Assessment process, as required, any request for information from Social Impact Assessment team shall be met at the earliest but not exceeding seven days. The District Collector or any authorized officer shall as far as possible furnish the information requested by the Social Impact Assessment team.
- (3) A detailed assessment based on a thorough analysis of all relevant land records and data, field verification, review and comparison with similar projects shall be conducted by the Social Impact Assessment team. The assessment shall determine the following, namely:-
  - (a) total area of impact under the proposed project, including both land to be acquired and areas that will be affected by environmental, social or other impacts of the project;
  - (b) quantity and location of land proposed to be acquired for the project;
  - (c) the bare minimum required land proposed for acquisition;
  - (d) possible alternative sites or location for the project and feasibility;
  - (e) whether, the land proposed for acquisition in Scheduled Area is a demonstrable last resort;
  - (f) Land, if any, already purchased, alienated, leased or acquired. and the intended use for each plot of land required for the project;
  - (g) the possibility of use of any public, unutilized land for the project and whether any of such land is under occupation;
  - (h) nature of the land, present use and classification of land and if it is an agricultural land, the irrigation coverage for the said land and the cropping pattern;
  - (i) Whether special provisions with respect to food security have been adhered to in the proposed land acquisition;
  - (j) size of holdings, ownership patterns, land distribution, number of residential houses (public and private) infrastructure available or to be provided in the proposed land and assets; and
  - (k) Land price and recent changes in ownership, transfer and use of lands over the last three years.
- (4) Based on the land assessment, land records and field verification, the Social Impact Assessment shall also include an accurate estimate of the number of affected families and the number of displaced families among them and enumerate all affected families:

Provided that where enumeration is not possible at least a representative sample shall be done by the Social Impact Assessment Unit.

- (5) A socio-economic and cultural profile of the affected area must be prepared, based on available data and statistics, field visits and consultations as per **Form-II**:

Provided that in projects where resettlement is required, the identified resettlement sites shall be visited and a brief socio-economic profile of the land and its current resident population shall be indicated.

- (6) Based on the data collected in above processes listed and in consultation with the affected communities and key stakeholders, the Social Impact Assessment shall identify and assess the nature, extent and intensity of the positive and negative social impacts associated with the proposed project and land acquisition as per **Form-II**.
- (7) The Social Impact Assessment process shall also include the preparation of a Social Impact Management Plan (SIMP), which will present the ameliorative measures to be undertaken to address the social impacts identified in the course of the assessment. The Social Impact Assessment team must assess the viability of impact mitigation and management strategies with clear indication of costs, timelines and capacities. The Social Impact Management Plan shall include the following measures, namely,-
- (a) measures specified in the terms of Rehabilitation and Resettlement and compensation for all the categories of affected families as outlined in the Act;
  - (b) measures to be undertaken by the requiring body in the project proposal and other relevant project documents; and
  - (c) measures being undertaken by the requiring body, in response to the findings of the Social Impact Assessment process and public hearings.
- (8) The Social Impact Assessment shall provide a conclusive assessment of the balance and distribution of the adverse social impacts and social costs and benefits of the proposed project and land acquisition, including the mitigation measures, and provide an assessment as to whether the benefits from the proposed project exceed the social costs and adverse social impacts that are likely to be experienced by the affected families or even after the proposed mitigation measures, the affected families remained at risk of being economically or socially worse, as a result of the said land acquisition and resettlement.

## **9. Procedure relating to public hearing –**

- (1) Whenever a Social Impact Assessment is required to be prepared under section 4, of the Act, the Appropriate Government shall conduct a public hearing through the district administration after a draft of Social Impact Assessment is prepared. The affected area by giving a notice in daily newspapers in the local language circulating in the affected area as well as by affixing it on some conspicuous places in the affected area, not less than fifteen days before the public hearing indicating its time, place and date.
- (2) No two public hearings shall be conducted simultaneously.
- (3) All public hearings shall be video recorded and transcribed. This recording and transcription shall be handed over along with the final Social Impact Assessment Study Report.



- (4) The views and suggestions expressed by the affected families in the public hearing shall be recorded and duly considered in the Social Impact Assessment Study Report.
- (5) The responsible representatives from the Requiring Body, designated land acquisition functionaries and the rehabilitation and resettlement functionaries shall remain present in the public hearing and address the questions and concern raised by the affected families.
- (6) The members of the Non-Government Organizations and the media shall be allowed to attend the public hearing.
- (7) The public hearing shall be conducted in local language only.
- (8) Public hearing shall be conducted in all the villages involving the Panchayats and local bodies in the affected area.
- (9) The draft Social Impact Assessment study report alongwith the Social Impact Management Plan shall be distributed to all members of the Panchayat in the affected area fifteen days prior to the date of public hearing. The copies of the said report shall also be kept in the offices of District Collector, Gram Vikas Adhikari (GVA), Sub-Divisional Magistrate and the Requiring Body. The copy of the Social Assessment Study Report and the Social Assessment Management Plan shall also be made available to any person whosoever demands so by charging copying fees as chargeable for documents made available under the Right to Information Rule, 2005.
- (10) The Requiring Body may also be served with a copy of the draft report. Adequate copies of the report and summaries shall be made available on the day of the public hearing. Accessible displays and other visual shall be used to share the findings of the Social Impact Assessment Study report.
- (11) The Administrator appointed under sub-section (1) of section 43 of the Act shall publish the summary of the Social Impact Assessment study report, alongwith the Social Impact Assessment Study Report and also the summary of the Social Impact Management Plan referred in sub-section (6) of section 4 of the Act, as provided by the Agency along with the Social Impact Management Plan, in the affected area by publishing the same in the local language, in two daily newspapers circulating in the affected area.
- (12) After the conclusion of the public hearing, the Social Impact Assessment team shall analyse the entire feedback received and information gathered in the public meetings and incorporate the same along with their analysis, in the revised Social Impact Assessment Report accordingly.
- (13) Every objection raised in the public hearing shall be recorded and the Social Impact Assessment team shall ensure that every objection shall be considered in the Social Impact Assessment Study Report.

#### **10. Multi-disciplinary Expert Group. –**

- (1) The Appropriate Government shall constitute a multi-disciplinary Expert Group for evaluation of the Social Impact Assessment Study Report. The Expert Group shall consist of –
  - (a) two non-official social scientists to be nominated by the Appropriate Government;

- (b) two representatives of the Panchayat, Gram Sabha , Municipality who were not represented in the Social Impact Assessment Study, of which at least one shall be a woman;
- (c) Two persons who have an understanding of rehabilitation or have contributed substantially in framing Rehabilitation Policy of the State: and
- (d) A technical expert not below the rank of an Executive Engineer in the field or subject relating to the Project.

**11. Appraisal of Social Impact Assessment Study Report by an Expert Group and its consideration. –**

- (1) the Expert Group constituted under section 7 the Act. shall evaluate the Social Impact Assessment Study Report and shall make its recommendation to that effect within a period of 2 (two) months from the date of its constitution.
- (2) The recommendations of the Expert Group referred in sub-sections (4) and (5) of section 7 of the Act. shall be published in the affected area by publishing the same in local language, in two daily newspapers circulating in the affected area and the same be uploaded on the website of the Appropriate Government.

**12. Consideration of the Social Impact Assessment Study Report, recommendation of the Expert Group etc.**

- (1)
  - (i) The Appropriate Government shall examine the Social Impact Assessment Study Report, the recommendations of the Expert Group, report of the Collector, if any, and recommend such area for acquisition which would ensure minimum displacement of people, minimum disturbance to the infrastructure, ecology and minimum adverse impact on the individuals affected.
  - (ii) The decision taken by the Appropriate Government on recommendation of such area for acquisition as provided in sub-section (3) of section 8 of the Act, shall be published in the affected area by publishing the same in local language, in two daily newspapers circulating in the affected area and also shall be uploaded on the website of the Appropriate Government.

**CHAPTER III  
CONSENT**

**13. Process of Obtaining The Consent Requirement :-**

- (1) The Appropriate Government, through the concerned District Collector, shall obtain prior consent of the affected land owners in **PART-A of FORM-IV** along with the Social Impact Assessment study.
- (2) The exercise of obtaining the consent shall be undertaken by the Appropriate Government, through the concerned District Collector, who may appoint officers under his control to assist him in the process of obtaining the prior consent.

- (3) The Appropriate Government shall take necessary steps for updating the records relating to land rights, title in the land and other revenue records in the affected areas, so that the names of land owners, occupants of the land and individuals be identified for initiating the prior consent process and land acquisition.

**14. Consent of the Gram Sabha:-**

- (1) The District Collector shall in consultation with the representatives of the Gram Panchayats notify the date, time and venue for holding special Gram Sabhas in the affected areas 15 (fifteen) days in advance and conduct public awareness campaigns to motivate members of the Gram Sabhas to participate in the Gram Sabhas.
- (2) The names and signatures of all the members who attended the meeting of the Gram Sabha shall be taken and kept in the records.
- (3) The quorum shall be at least fifty percent of the total members of the Gram Sabha for considering the consent as valid.

Provided that one third of the total women members of the Gram Sabha shall also be present in the Gram Sabha meeting.

- (4) Printed copies with the proposed terms and conditions for compensation, rehabilitation and resettlement shall be made available in the local language at least 15 (fifteen) days prior to the Gram Sabha meeting.
- (5) (i) For public private partnership projects and projects by private companies, representatives of the Requiring Body, who are competent to take decision and negotiate terms of Rehabilitation and Resettlement and compensation shall be present at all such Gram Sabha meetings and respond to the queries raised by the Gram Sabha members.
- (ii) The terms and conditions, Rehabilitation and Resettlement, compensation committed by the Requiring Body shall be explained to the Gram Sabha members in the local language and signatures of the members as well as the representative of Requiring Body shall be obtained on such terms and conditions.
- (6) (i) After deliberations, the Gram Sabha shall pass a resolution with majority in **PART-B of FORM –IV** giving or withholding consent for the proposed acquisition and the resolution shall contain the negotiated terms and conditions for Rehabilitation and Resettlement, compensation, impact management and mitigation that the Requiring Body has committed and which have been signed by the District Collector or designated district officer and the representative of the Requiring Body.
- (ii) The Gram Sabha resolution once received shall be counter signed by the District Collector or a designated District Officer and a signed copy shall be handed over to all the panchayat representatives.
- (7) Any resolution that does not explicitly contain a statement of consent to the project, a statement of the negotiated terms of compensation and Rehabilitation and Resettlement shall be invalid.

- (8) All the proceedings of the Gram Sabha shall be video recorded, documented in writing and shall be made available in the respective panchayat offices and uploaded on the website of the appropriate Government.
- (9) Members of the Social Impact Assessment team shall be present to assist the Gram Sabha meetings.

**15. Consent of the Affected Land Owners:-**

- (1) (i) In Public Private Partnership projects and projects by private companies, a list of all affected land owners from whom consent is required to be obtained shall be drawn up by district officers in consultation with the Social Impact Assessment Study team.  
(ii) The list shall be made available in the affected area, in the form of posters and handouts and by displaying the list in conspicuous places of the affected areas for at least 10 (ten) days before obtaining consent.
- (2) In case of any objection, the views of the objector shall also be taken, and the reasons for doing so shall be recorded in writing and conveyed to the concerned person within 10 (ten) days from the day of the receipt of the complaint/objections.
- (3) The District Collector shall in consultation with the representatives of Gram Panchayats, Municipality, Municipal Corporations, as the case may be, notify the date, time and venue 15 (fifteen) days in advance, for holding the meeting of the affected land owners at the village or ward level.
- (4) The proposed terms and conditions agreed to by the Requiring Body shall also be made available in local language at least 15 (fifteen) days in advance of the meeting of the affected land owners to each and every affected land owner.
- (5) (i) For public private partnership projects and project by the companies, representatives of the Requiring Body, who are competent to take decision and negotiate terms of Rehabilitation and Resettlement and compensation shall be present at all such affected land owners meetings and respond to the queries raised by the affected landowners.  
(ii) The terms and conditions, Rehabilitation and Resettlement and compensation committed by the Requiring Body shall be explained to the affected landowners in the local language and signature of the members as well as the representative of Requiring Body shall be obtained on such terms and conditions.
- (6) (i) At the conclusion of the meeting, each individual land owner shall be asked to indicate in the signed declaration whether he or she gives or withholds consent for the acquisition of land involved.  
(ii) A copy of this declaration with the attached terms and conditions shall be given to the land holder concerned. The declaration shall be countersigned by the District Collector or designated District Officer on its receipt.
- (7) (i) Arrangements shall be made for those land owners who could not attend the land owners meeting for enabling them to submit their signed declarations to the designated district officer within 15 (fifteen) days from the date of land owners meeting.

- (ii) The declaration form shall be counter-signed by the District Collector or designated officer on its receipt and a copy of the declaration, with the attached terms and conditions shall be handed over to the affected landowner.
- (8) Consent procedure shall be determined on the basis of the signed or thumb impression, written declarations of land owners.
- (9) All proceedings of taking affected land owners' consent during land owners meetings shall be recorded in video and all the proceedings must be documented in writing .
- (10) The outcome of the consent process shall be made available in panchayat offices and on the web site of the Appropriate Government.
- (11) Members of the Social Impact Assessment Study team shall be present to assist the affected land owners at the meeting.

**16. Roles and responsibilities of the Appropriate Government for consent processes:-**

- (1) The Appropriate Government shall notify and publish the date, time and venue of Gram Sabhas, Panchayats meeting (in cases where Gram Sabha does not exist or has not been constituted) and affected land owners meetings for obtaining the consent and organize public awareness campaigns to encourage participation of the affected land owners in the consent processes.
- (2) The Appropriate Government shall ensure that the following are provided at least fifteen days in advance to every member from whom consent is sought, in the local language, namely:-
  - (a) a copy of the draft Social Impact Assessment Study Report (if readily available) in the local language;
  - (b) initial package being offered for compensation and Rehabilitation and Resettlement;
  - (c) a list of the rights currently enjoyed by the village and its residents under revenue laws, Forest Right and other legislations;
  - (d) a written statement signed by the District Collector, certifying that there will be no consequences, if consent is denied for a project and stating that any attempt to coerce or intimidate in order to obtain consent shall be illegal; and
  - (e) contact details of the officer or authority along with official telephone number to be contacted in case of any attempt to coerce for signing the declaring of consent process.
- (3) The District Collector or any other official appointed by the District Collector shall attend the Gram Sabhas, Panchayats and land owners meetings.
- (4) The Appropriate Government shall ensure that all the documents relating to Social Impact Assessment are made available to the affected land owners and all requests for information are provided within 7 (seven) days of date of issue of notice.

**17. Roles and responsibilities of the Requiring Body for consent processes:-**

- (1) The Requiring Body shall appoint representatives competent to take decisions and negotiate terms and conditions of compensation and Rehabilitation and Resettlement, who shall be present in the meetings of affected land owners for obtaining the consent and reply to the queries raised by the land owners.
- (2) The Requiring Body shall provide all the information on the project, prior to the taking of consent as well as any additional information, if required.

**18. Requirement of consent in case of acquisition of land for private companies. –**

- (1) In case of acquisition of land for private companies, the Collector concerned shall initiate the process for obtaining consent as per the provisions of sub-section (2) of section 2 of the Act.
- (2) The Collector shall take steps to resolve outstanding issues related to land rights, land titles and land records in the affected areas, so that all the land owners can be correctly identified before initiating consent process. The Collector shall also take a special drive for this purpose and complete the said exercise within a period of 45 (forty-five) days.
- (3) The Collector, after completion of the aforesaid exercise of correcting and updating the land records shall draw out a list, of all affected land owners from whom consent must be sought, after considering the list prepared by the Social Impact Assessment Agency.
- (4) The land owner shall give his individual consent before the Designated Officer in which the affected area lies.
- (5) The land owner shall give his prior written consent on the declaration form having his photograph affixed on it in the format attached and the impression of his thumb along with his signature.
- (6) The authorized representative of the Requiring Body shall sign on the consent form and shall put the seal of the Requiring Body towards its acknowledgement of the consented terms and conditions.
- (7) Any member of the village, panchayat, Panchayat Samiti or Zilla Parishad or the Police or any Government servant may sign on the affidavit as a witness thereof that he recognizes the person who has given consent.
- (8) A copy of the consent so obtained shall be given to the land owner who has given consent and the other copy shall be handed over to the Requiring Body.
- (9) All the individual consent taking process shall be video recorded.
- (10) All persons interested in the same land can give consent on a single form.
- (11) Different forms shall be used for giving consent by a person for different lands owned by him which are under acquisition.
- (12) No land holder can withdraw his consent once given in the above manner.

- (13) The provisions relating to consent shall be translated in local language and a copy of the same shall be given to each land holder present and read out to him in case of illiterate person, before starting the consent procedure.
- (14) The consent taking process shall be conducted before issuing the Preliminary Notification under sub-section (1) of Section 11 of the Act .

## **CHAPTER –IV REHABILITATION AND RESETTLEMENT**

### **19. Preparation of draft Rehabilitation and Resettlement Scheme.**

- (1) On publication of the Preliminary notification under sub-section (1) of section 11 of the Act by the Collector, the Administrator for Rehabilitation and Resettlement under the provisions of sub-section (1) of section 16 of the Act, shall conduct survey and undertake census of the affected families either by his own staff or by out-sourcing the work to any agency. The survey and census work may be conducted by way of collecting data based on the Social Impact Assessment Study report and Government Records and verification of data by field survey and door to door visit of the affected families. Every survey undertaken under this rule shall be completed expeditiously and within a period of sixty days from the date of publication of the preliminary notification.
- (2) The Draft Rehabilitation and Resettlement scheme prepared by the Administrator shall in addition to the particulars mentioned in sub section(2) of section 16 of the Act, contain the following.-
  - (i) list of likely to be displaced families;
  - (ii) list of infrastructure in the affected area;
  - (iii) list of land holdings in the affected area;
  - (iv) list of businessmen in the affected area;
  - (v) list of landless people in the affected area;
  - (vi) list of persons belonging to disadvantageous groups like persons belonging to Scheduled Castes or Scheduled Tribes, handicapped persons in the affected area;
  - (vii) list of unemployed youth in the affected area;
  - (viii) members of the family who are permanently residing, engaged in any trade, business, occupation in the affected area; and
  - (ix) families who are likely to lose, or have lost, their house, agricultural land, employment or are alienated wholly or substantially from the main source of their trade, business, occupation.
- (3) The Administrator, shall prepare the Draft Rehabilitation and Resettlement scheme within a period of 60 (sixty) days from the date of completion of the survey.
- (4) Where consent is involved, the Draft Rehabilitation and Resettlement scheme shall be prepared

by taking into account the negotiated terms and conditions of Rehabilitation and Resettlement reached between the Requiring Body and the affected families.

- (5) The Draft Rehabilitation and Resettlement Scheme prepared by the Administrator shall, in addition to the particulars mentioned in the sub-section (2) of section 16 of the Act, indicate the time plan for completion of all construction works including the infrastructural developments to be provided as per the scheme. Where land is acquired for private companies and for public private partnership projects, all constructions in the resettlement area as per Rehabilitation and Resettlement Scheme including infrastructural developments shall be done by the private companies.
- (6) The Administrator shall prepare comprehensive and detailed draft Rehabilitation and Resettlement Scheme as far as possible.
- (7) The Administrator shall, by way of public notice, publish the Draft scheme in two local daily newspapers having circulation in villages or areas which are likely to be affected, and also by affixing a copy of the notification on the notice board of the concerned Gram Panchayats or Municipalities and other prominent place or places in the affected area and/or by any other method as may be prescribed in this regard by the Appropriate Government for information of the general public.
- (8) The Administrator or an officer authorized by him shall conduct a public hearing in the affected areas on such a date, time and venue as deemed fit but not earlier than fifteen days from the date of the publication of the draft scheme.

## **20. Power, duties and responsibilities of the Administrator.-**

- (1) The powers, duties and responsibilities of the Administrator shall be as follows-
  - (a) to conduct a survey and undertake a census of the affected families in the manner and within time as provided under these rules;
  - (b) to prepare a Draft Rehabilitation and Resettlement Scheme;
  - (c) to publish the Draft scheme by the mode provided under these Rules;
  - (d) to make the Draft scheme available to the concerned persons and authorities;
  - (e) to organize and conduct public hearings on the draft scheme;
  - (f) to provide an opportunity to the Requiring Body to make suggestions and comments on the draft Rehabilitation and Resettlement scheme;
  - (g) to submit the Draft Rehabilitation and Resettlement scheme to the Collector;
  - (h) to publish the approved Rehabilitation and Resettlement Scheme in the affected area;
  - (i) to help and assist the Collector in preparing the Rehabilitation and Resettlement award;
  - (j) to monitor and supervise the implementation of the Rehabilitation award;
  - (k) to assist in post-implementation audit of Rehabilitation and Resettlement, and
  - (l) any other work required to be done for Rehabilitation and Resettlement.



## **21. Public hearing of draft Rehabilitation and Resettlement Scheme. –**

- (1) Public hearing of Draft Rehabilitation and Resettlement Scheme shall be conducted where more than twenty five per cent of the members are directly or indirectly affected by the acquisition of the land in the affected area in following manner.
- (2) At least 25 per cent of adult members of Gram Sabha or ward shall constitute the quorum for the meeting. If in the first Gram Sabha meeting, the quorum is not available then in subsequent meetings quorum is not necessary.
- (3) The date and venue of the public hearing must be publicized two weeks in advance through pamphlets, posters and loud speaker announcement in all the villages in and around of the lands proposed to be acquired and a notice of it shall also be sent to Gram Panchayat or Municipalities. The notice shall also be published in the notice board of the concerned District Office, office of the Sub- Divisional Magistrate, Panchayat Samiti or Municipality office and also upload the same in the dedicated website of District Collector, if any.
- (4) The draft Rehabilitation and Resettlement scheme shall be circulated in the affected area in local language and given to all affected Gram Panchayats, Municipality, requiring body and offices of Sub-Divisional Magistrate, District Collector and public. Adequate copies of the scheme and summaries of the scheme shall be circulated on the day of the public hearing. Visual displays may be made preferably by way of presentation of slides during public hearing to share the findings of the draft Rehabilitation and Resettlement scheme.
- (5) The administrator shall facilitate the public hearing which shall be organised by the district administration.
- (6) All proceedings shall be held in the local language to ensure that the participants understand and express their views.
- (7) Representatives from the District Collectorate, Requiring Body, Administrator Rehabilitation and Resettlement and other officers as decided by the District Collector shall also attend the public hearing and address the questions and concerns raised by the affected parties.
- (8) Public representatives, local Non-Governmental Organisations (NGOs and media shall also be invited to attend the public hearings.
- (9) The proceedings of the public hearing shall be video recorded and transcribed accordingly. This recording and transcription shall be submitted along with the final Draft Rehabilitation and Resettlement Scheme.
- (10) After the conclusion of the public hearings, the Administrator shall analyse the entire feedback received and information gathered in the public meetings and incorporate the same along with their analysis, in the revised Draft Rehabilitation and Resettlement Scheme scheme to be submitted to the District Collector.
- (11) Objections raised during public meeting shall be recorded and the administrator shall ensure that the every such objection is considered in preparing the Rehabilitation and Resettlement Scheme.

## **22. Review of the draft Rehabilitation and Resettlement scheme.-**

- (1) The Administrator, on completion of public hearing shall submit to the District Collector the Draft Rehabilitation and Resettlement Scheme along with the Survey Report and Record of Proceedings of enquiry together with a specific report on the claims and objections raised in the Public Hearing .
- (2) The District Collector shall review the Draft Rehabilitation and Resettlement Scheme with the Project Level Rehabilitation and Resettlement Committee, if any, within one month from the date of receiving the Draft Rehabilitation and Resettlement Scheme.
- (3) Where the affected area of a project involves more than one district, the Commissioner, Rehabilitation and Resettlement shall review the Draft Rehabilitation and Resettlement scheme with the Rehabilitation and Resettlement Committee at Project Level.

## **23. Approval of Rehabilitation and Resettlement scheme.-**

The District Collector, as the case may be, shall submit the Draft Rehabilitation and Resettlement Scheme alongwith specific recommendations and suggestions to the Commissioner, Rehabilitation and Resettlement for approval.

## **24. Publication of approved Rehabilitation and Resettlement Scheme in the affected area.-**

Rehabilitation and Resettlement Scheme approved by the Commissioner shall be published by the Administrator in the affected area by affixing a copy of it in the notice board of the District Office, office of the Sub- Divisional Magistrate, Panchayat Samiti and every Municipality and upload the same in the dedicated website of the District Collector. A copy of such publication shall also be published in two widely published local news papers circulating in the affected area for making it known to the general public.

## **25. Constitution of Rehabilitation and Resettlement Committee at Project level.-**

- (1) Where the proposed acquisition is more than one hundred acres, the Appropriate Government shall constitute the Rehabilitation and Resettlement Committee at the Project Level to monitor and review the progress of implementation of the of the Rehabilitation and Resettlement scheme and to carry out post-implementation social audits in consultation with the Gram Sabha in rural areas and municipality in urban areas.
- (2) The Rehabilitation and Resettlement Committee at the Project Level shall include the following members, namely,-
  - (a) a representative of women residing in the affected area;
  - (b) a representative each of the Scheduled Tribes and Scheduled Castes residing in the affected area;
  - (c) a representative of a voluntary organization working in the area;
  - (d) the land Acquisition Officer of the project;
  - (e) the chairpersons of the Panchayats or Municipalities located in affected area;
  - (f) the chairperson of the District Planning Committee or his nominee;
  - (g) the Member of Parliament and Member of Legislative Assembly of the concerned area or their nominees; and
  - (h) Administrator for Rehabilitation and Resettlement as Member Convenor.

- (3) The Member-Convenor, while intimating the date and venue of the meeting shall supply a copy of the Draft Scheme for Rehabilitation and Resettlement to all the members.
- (4) The quorum of the meeting shall comprise of not less than two thirds of all members.
- (5) The meeting shall be held at least once in every month.
- (6) The first meeting shall be convened before award is made under Section 31 of the Act and successive meetings will review the payment entitlements and work out the displacement work plan on agreed terms.

#### **26. Constitution of State Monitoring Committee for Rehabilitation and Resettlement. –**

- (1) The Government shall issue guidelines for the constitution and functioning of a State Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under the Act.
- (2) The Committee shall meet at least once in every year to review and monitor implementation of rehabilitation and resettlement schemes or plans in all projects under the Act.

#### **27. Publication of declaration. –**

The Secretary to Government or his authorised officer shall issue a declaration under sub-section (1) of section 19 of the act, along with the summary of draft rehabilitation and resettlement scheme. However no such declaration shall be made unless the Requiring Body has deposited the actual amount of acquisition of the land.

#### **28. Formation of Land Bank-**

The Appropriate Government shall by notification form a "Land Bank", a governmental entity that focuses on the conversion of Government owned waste land, vacant, abandoned, unutilized acquired lands and tax-delinquent properties into productive use.

#### **29. Inventory of Waste, Barren and unutilized acquired Land.-**

To ensure acquisition of minimum amount of land and to facilitate utilization of unutilized public lands including land acquired earlier and not utilized and to ensure food security, the department shall maintain a village wise Land Bank of all government waste land, unutilized acquired Land and land to be deposited by requiring body in case of acquired multi-cropped irrigated land, which shall be made available to the Social Impact Assessment team and Expert group as per their requirement.

#### **30. Reversion of acquired land to State. –**

Land acquired and possession taken over but not utilized within a period of five years from the date of possession shall in all cases revert back to the State and deposited in the Land Bank automatically. The requiring body shall deliver possession of the land to the Government. On failure to deliver the possession, occupation of the Requiring Body shall be treated as unauthorized who shall be evicted as per due process of law.

### **31. Recovery of Excess amount. –**

For the purpose of sub section (3) of section 33, of the Act, the awardee shall furnish an Indemnity Bond to the Collector/ Land Acquisition Officer for refund of excess amount. In case of default or refusal to refund, the excess amount same shall be recovered as arrears of land revenue from the individual under the appropriate law of the land.

#### **FORM-I**

#### **Part -A. Terms of Reference and Processing Fee for the Social Impact Assessment**

*[See rule (1) of rule 3 and sub-rule (1) (a) of rule 4]*

- (i) The Social Impact Assessment Unit will review the proposal for land acquisition sent by the appropriate Government and produce a project-specific Terms of Reference and budget. Based on the Terms of Reference and budget, a processing fee will be determined, which must be deposited by the Requiring Body before the notification of the Social Impact Assessment can be issued.
- (ii) The Terms of Reference shall include the following information:-
  - (a) A brief description of the project, project area and the extent of lands proposed for acquisition.
  - (b) The objectives of the Social Impact Assessment and all the activities that must be carried out by the Social Impact Assessment team.
  - (c) Sequencing, schedule and deadlines for deliverables with dates for the Social Impact Assessment process, based on the size and complexity of the project and land acquisition, and whether consent of Gram Sabhas and/or land owners is required to be sought.
  - (d) The appropriate size and profile of the Social Impact Assessment team required (including field surveyors if needed) to conduct the Social Impact Assessment for the specific project.
  - (e) A project-specific budget based on the Terms of Reference, with a clear break-up of costs for each item or activity.
  - (f) The schedule for the disbursement of funds to the Social Impact Assessment team tied to clearly defined deliverables in the Social Impact Assessment process.
- (iii) The processing fee will be determined based on the Terms of Reference and budget developed for each specific project and will be based on the type, size, location, and sensitivity of the project and the land proposed for acquisition. Information regarding the processing fee bands and the cost for separate components or line items must be made consistent and easily accessible, so that the Requiring Body can factor this into its costs in advance. These rates must be reviewed and revised from time to time. A fixed proportion of the fee will go towards meeting the costs of the Social Impact Assessment Unit.

## **Part-B. Notification of the Social Impact Assessment**

*[See sub-rule (1) of rule 3]*

The notification of the Social Impact Assessment must include:-

- (a) Name of project developer, a brief description of the proposed project and the extent of the lands proposed for acquisition, the project area and the affected areas to be covered by the Social Impact Assessment.
- (b) The main objectives of the Social Impact Assessment and key activities including (i) consultations (ii) survey (iii) public hearing/s.
- (c) If consent of Gram Sabhas and/or land owners is required, the notification must state this.
- (d) The timeline for the Social Impact Assessment and the final deliverables (Social Impact Assessment Report and Social Impact Management Plan) along with the manner of their disclosure must be specified.
- (e) Statement that any attempt at coercion or threat during this period will render the exercise null and void.
- (f) Contact information of the Social Impact Assessment Unit.

### **FORM-II**

#### **Social Impact Assessment Report**

*[See sub-rule (3) of rule 3, sub-rule (5) & (6) of rule 8]*

#### **A. List of socio-economic and cultural parameters to be covered by the Social Impact Assessment**

- 1. Demographic details of the population in the project area
  - (a) Age, sex, caste, religion
  - (b) Literacy, health and nutritional status
- 2. Poverty levels
- 3. Vulnerable groups
  - (a) Women, (b) children, (c) the elderly, (d) women-headed households, (e) the differently abled
- 4. Kinship patterns and women's role in the family
- 5. Social and cultural organisation
- 6. Administrative organisation
- 7. Political organisation
- 8. Civil society organisations and social movements
- 9. Land use and livelihood

- (a) Agricultural and non-agricultural use
  - (b) Quality of land – soil, water, trees etc.
  - (c) Livestock
  - (d) Formal and informal work and employment
  - (e) Household division of labour and women's work
  - (f) Migration
  - (g) Household income levels
  - (h) Livelihood preferences
  - (i) Food security
10. Local economic activities
- (a) Formal and informal, local industries
  - (b) Access to credit
  - (c) Wage rates
  - (d) Specific livelihood activities women are involved in
11. Factors that contribute to local livelihoods
- (a) Access to natural resources
  - (b) Common property resources
  - (c) Private assets
  - (d) Roads, transportation
  - (e) Irrigation facilities
  - (f) Access to markets
  - (g) Tourist sites
  - (h) Livelihood promotion programmes
  - (i) Co-operatives and other livelihood-related associations
12. Quality of the living environment
- (a) Perceptions, aesthetic qualities, attachments and aspirations
  - (b) Settlement patterns
  - (c) Houses
  - (d) Community and civic spaces
  - (e) Sites of religious and cultural meaning
  - (f) Physical infrastructure (including water supply, sewage systems etc.)
  - (g) Public service infrastructure (schools, health facilities, anganwadi centres, public distribution system)
  - (h) Safety, crime, violence
  - (i) Social gathering points for women

## **B. Key impact areas**

1. Impacts on land, livelihoods and income
- (a) Level and type of employment
  - (b) Intra-household employment patterns
  - (c) Income levels
  - (d) Food security
  - (e) Standard of living
  - (f) Access and control over productive resources
  - (g) Economic dependency or vulnerability
  - (h) Disruption of local economy

- (i) Impoverishment risks
- (j) Women's access to livelihood alternatives

## 2. Impacts on physical resources

- (a) Impacts on natural resources, soil, air, water, forests
- (b) Pressures on land and common property natural resources for livelihoods

## 3. Impacts on private assets, public services and utilities

- (a) Capacity of existing health and education facilities
- (b) Capacity of housing facilities
- (c) Pressure on supply of local services
- (d) Adequacy of electrical and water supply, roads, sanitation and waste management system
- (e) Impact on private assets such as bore wells, temporary sheds etc.

## 4. Health impacts

- (a) Health impacts due to in-migration
- (b) Health impacts due to project activities with a special emphasis on:-
  - (i) Impact on women's health
  - (ii) Impact on the elderly

## 5. Impacts on culture and social cohesion

- (a) Transformation of local political structures
- (b) Demographic changes
- (c) Shifts in the economy-ecology balance
- (d) Impacts on the norms, beliefs, values and cultural life
- (e) Crime and illicit activities
- (f) Stress of dislocation
- (g) Impact of separation of family cohesion
- (h) Violence against women

## 6. Impacts at different stages of the project cycle

The type, timing, duration, and intensity of social impacts will depend on and relate closely to the stages of the project cycle. Below is an indicative list of impacts

### (a) Pre-construction phase

- (i) Interruption in the delivery of services
- (ii) Drop in productive investment
- (iii) Land speculation
- (iv) Stress of uncertainty

### (b) Construction phase

- (i) Displacement and relocation
- (ii) Influx of migrant construction workforce
- (iii) Health impacts on those who continue to live close to the construction site

### (c) Operation phase

- (i) Reduction in employment opportunities compared to the construction phase
- (ii) Economic benefits of the project

- (iii) Benefits on new infrastructure
  - (iv) New patterns of social organisation
- (d) De-commissioning phase
  - (i) Loss of economic opportunities
  - (ii) Environmental degradation and its impact on livelihoods
- (e) Direct and indirect impacts
  - (i) "Direct impacts" will include all impacts that are likely to be experienced by the *affected families* (i.e. Direct land and livelihood losers)
  - (ii) "Indirect impacts" will include all impacts that may be experienced by those not directly affected by the acquisition of land but those living in the project area
- (f) Differential impacts
  - (i) Impact on women, children, the elderly and the different abled
  - (ii) Impacts identified through tools such as Gender Impact Assessment Checklists, and Vulnerability and Resilience Mapping
- (g) Cumulative impacts
  - (i) Measureable and potential impacts of other projects in the area along with the identified impacts for the project in question.
  - (ii) Impact on those not directly in the project area but based locally or even regionally.

## **C. Table of Contents for Social Impact Assessment Report and Social Impact Management Plan**

### **Chapter Contents**

#### **Executive Summary**

- (a) Project and public purpose
- (b) Location
- (c) Size and attributes of land acquisition
- (d) Alternatives considered
- (e) Social Impacts
- (f) Mitigation measures
- (g) Assessment of social costs and benefits

#### **Detailed Project Description**

- (a) Background of the project, including developers background and governance or management structure
- (b) Rationale for project including how the project fits the public purpose criteria listed in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
- (c) Details of project size, location, capacity, outputs, production targets, cost, risks
- (d) Examination of alternatives
- (e) Phases of project construction
- (f) Core design features and size and type of facilities
- (g) Need for ancillary infrastructural facilities
- (h) Work force requirements (temporary and permanent)
- (i) Details of Social Impact Assessment or Environmental Impact Assessment if already conducted and any technical feasibility reports
- (j) Applicable legislations and policies



### **Team composition, approach, methodology and Schedule of the Social Impact Assessment**

- (a) List of all team members with qualifications. Gender experts to be included in team.
- (b) Description and rationale for the methodology and tools used to collect information for the Social Impact Assessment.
- (c) Sampling methodology used.
- (d) Overview of information or data sources used. Detailed reference must be included separately in the forms.
- (e) Schedule of consultations with key stakeholders and brief description of public hearings conducted. Details of the public hearings and the specific feedback incorporated into the Report must be included in the forms.

### **Land Assessment**

- (a) Information from land inventories and primary sources - Describe with the help of the maps
- (b) Entire area of impact under the influence of the project (not limited to land area for acquisition)
- (c) Total land requirement for the project
- (d) Present use of any public, unutilised land in the vicinity of the project area
- (e) Land (if any) already purchased, alienated, leased or acquired, and the intended use for each plot of land required for the project
- (f) Quantity and location of land proposed to be acquired for the project
- (g) Nature, present use and classification of land and if agricultural land, irrigation coverage and cropping patterns
- (h) Size of holdings, ownership patterns, land distribution, and number of residential houses
- (i) Land prices and recent changes in ownership, transfer and use of lands over the last 3 years

### **Estimation and enumeration (where required) of affected families and assets**

Estimation of the following types of families that are -

- (a) Directly affected (own land that is proposed to be acquired):
  - (i) Are tenants or occupy the land proposed to be acquired
  - (ii) The Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights
  - (iii) Depend on common property resources which will be affected due to acquisition of land for their livelihood
  - (iv) Have been assigned land by the appropriate Government under any of its schemes and such land is under acquisition;
  - (v) Have been residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land
  - (vi) Have depended on the land being acquired as a primary source of livelihood for three years prior to the acquisition
- (b) Indirectly impacted by the project (not affected directly by the acquisition of own lands)
- (c) Inventory of productive assets and significant lands

### **Socio-economic and cultural profile (affected area and resettlement site)**

- (a) Demographic details of the population in the project area
- (b) Income and poverty levels
- (c) Vulnerable groups
- (d) Land use and livelihood

- (e) Local economic activities
- (f) Factors that contribute to local livelihoods
- (g) Kinship patterns and social and cultural organisation
- (h) Administrative organisation
- (i) Political organisation
- (j) Community-based and civil society organisations
- (k) Regional dynamics and historical change processes
- (l) Quality of the living environment

### **Social impacts**

- (a) Framework and approach to identifying impacts
- (b) Description of impacts at various stages of the project cycle such as impacts on health and livelihoods and culture. For each type of impact, separate indication of whether it is a direct or indirect impact, differential impacts on different categories of affected families and where applicable cumulative impacts
- (c) Indicative list of impacts areas include: impacts on land, livelihoods and income, physical resources, private assets, public services and utilities, health, culture and social cohesion and gender based impacts

### **Analysis of costs and benefits and recommendation on acquisition**

- (a) Final conclusions on: assessment of public purpose, less-displacing alternatives, minimum requirements of land, the nature and intensity of social impacts, the viability of the mitigation measures and the extent to which mitigation measures described in the Social Impact Management Plan will address the full range of social impacts and adverse social costs.
- (b) The above analysis will use the equity principle described in Rule 9(10) as a criteria of analysis for presenting a final recommendation on whether the acquisition should go through or not.

### **FORM-III**

*(See sub-rule (5) of rule 3)*

#### **Social Impact Management Plan**

1. Approach to mitigation
2. Measures to avoid, mitigate and compensate impact
3. Measures that are included in the terms of Rehabilitation & Resettlement and compensation as outlined in the Act
4. Measures that the Requiring Body has stated it will introduce in the Project Proposal
5. Additional measures that the Requiring Body has stated it will undertake in response to the findings of the Social Impact Assessment process and public hearings
6. The Social Impact Management Plan must include a description of institutional structures and key person responsible for each mitigation measure and timelines and costs for each activity

### **FORM - IV**

#### **PART-A. PRIOR WRITTEN CONSENT / DECLARATION FORM**

*[See sub-rule (1) of rule 13]*

##### **S. No.      Details of Person Concerned**

1. Name of the person(s) as per section 3(c) (i) & (v) of the Act:
2. Name of the spouse:
3. Name of father/ mother:

4. Address.
  5. Village / Basti:
  6. Gram Panchayat / Municipality / Township:
  7. Tehsil/ Taluka:
  8. District:
  9. Name of other members in the family with age:  
(including children and adult dependents)
  10. Extent of land owned:
  11. Area for the acquisition:
  12. Plot No:
  13. Record of Rights:
  14. Disputed lands if any:
  15. Pattas/ leases/ grants, if any:
  16. Any other right, including tenancy, if any:
  17. Regarding the acquisition of my land by the government,  
I wish to state the following (please circle)
    - (i) I have read/readout the contents of this consent form  
and explained to me in \_\_\_\_\_ language and Yes No
    - (ii) I do not agree to this acquisition Yes No
    - (iii) I agree to this acquisition Yes No
- Signature or Thumb impression of the affected family(s) and date:

18. The terms and conditions, Rehabilitation and Resettlement, compensation and other measures committed by the Requiring Body have been explained in the local language.

These terms and conditions must be attached to the Form.

Date and Signature of designated district official receiving the signed form

*It is a crime under law to threaten any person or to cause them any harm if they refuse to consent or if they choose to state that they do not consent on this form. This includes any threat or act that causes them to lose money, that hurts them physically or that results in harm to their family. If any such threat has been made this form is null and void.*

## **PART-B. FORMAT FOR GRAM SABHA RESOLUTION**

*[See sub-rule (6) of rule 14]*

We, the undersigned members of the Gram Sabha of \_\_\_\_\_ within \_\_\_\_\_ panchayat of \_\_\_\_\_ tehsil/taluka in \_\_\_\_\_ district wishes to state that the following certification is based on the information supplied by the administration and officials. If this information is incomplete or incorrect or if any consent has been obtained through any use of threats, fraud or misrepresentation, it is null and void. On this basis, this Gram Sabha hereby certifies that it **CONSENTS / REFUSES TO CONSENT** to the proposed \_\_\_\_\_ project, which will involve:

- acquisition of \_\_\_\_\_ acres of private land.
- transfer of \_\_\_\_\_ acres of government land to the project.
- transfer of \_\_\_\_\_ acres of forest land to the project.

The terms and conditions of compensation, rehabilitation and resettlements benefits and social impact mitigation measures agreed to by the Requiring Body (state the name) are attached.

The Gram Sabha also states that any consent is subject to all of its residents receiving title to all of

their individual and community rights over forests and forest lands, including their titles for forest land that they have been cultivating, ownership titles for all forms of minor forest produce that they use, and titles to protect and manage their community forests. [Note: This will have to be certified by this Gram Sabha separately.]

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Date and signatures/thumb impressions of Gram Sabha members

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Date and Signature of designated district officer on receipt of the Resolution

**By Order and in the name of the Governor of Sikkim.**

**Secretary,  
Land Revenue & Disaster Management Department  
Government of Sikkim, Gangtok**